

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, August 6, 2014, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Cathy Beecham, Tracy Corr, Jeanelle Lust, Dennis Scheer, Lynn Sunderman and Ken Weber (Michael Cornelius, Maja V. Harris and Chris Hove absent); Marvin Krout, Steve Henrichsen, Christy Eichorn, Paul Barnes, Tom Cajka, Jean Preister and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

Chair Jeanelle Lust called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

Lust requested a motion approving the minutes for the regular meeting held July 23, 2014. Sunderman moved approval, seconded by Scheer and carried 5-0: Corr, Sunderman, Beecham, Scheer and Lust voting 'yes'; Weber abstained; Cornelius, Harris and Hove absent.

CONSENT AGENDA
PUBLIC HEARING & ADMINISTRATIVE ACTION
BEFORE PLANNING COMMISSION:

August 6, 2014

Members present: Corr, Sunderman, Beecham, Scheer, Weber and Lust; Cornelius, Harris and Hove absent.

The Consent Agenda consisted of the following items: **TEXT AMENDMENT NO. 14007; CHANGE OF ZONE NO. 12018A; SPECIAL PERMIT NO. 14020; USE PERMIT NO. 48A; and STREET & ALLEY VACATION NO. 14006.**

There were no ex parte communications disclosed.

Item No. 1.2, Change of Zone No. 12018A, was removed from the Consent Agenda and had separate public hearing.

Scheer moved approval of the remaining Consent Agenda, as amended, seconded by Weber and carried 6-0: Corr, Sunderman, Beecham, Scheer, Weber and Lust voting 'yes'; Cornelius, Harris and Hove absent.

Note: This is final action on Special Permit No. 14020 and Use Permit No. 48A, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days.

CHANGE OF ZONE NO. 12018A,
AMENDMENT TO THE HOLDREGE/IDYLVILD
REDEVELOPMENT PLANNED UNIT DEVELOPMENT,
ON PROPERTY GENERALLY LOCATED
AT IDYLVILD DRIVE AND HOLDREGE STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2014

Members present: Corr, Sunderman, Beecham, Scheer, Weber and Lust; Cornelius, Harris and Hove absent.

Staff recommendation: Conditional Approval.

This item was removed from the Consent Agenda at the request of a representative of the East Campus Community Organization (ECCO).

There were no ex parte communications disclosed.

Staff presentation: **Tom Cajka of Planning staff** explained that this application amends the existing PUD by increasing the number of apartments/dwelling units from 40 to 60, and by decreasing the commercial floor area from 60,000 square feet to 27,750 square feet.

The site plan shows minor modifications to the parking lot. The east building has already been built and is occupied with 26 dwelling units. Part of the PUD includes the fraternity building, which has also been built. The west building is the only thing left to build. It would have 34 dwelling units. There is a condition of approval by Planning staff that the first floor would remain commercial but that the developer could come back at a later date if the commercial is not successful and amend the plan to show residential units in that area. Any additional residential units would be included as part of the 60 units being requested with this application.

Beecham asked staff to address the parking. Cajka advised that the applicant is providing the required number of parking stalls, but he did not know whether it was more or less than what was previously approved.

Lust inquired whether staff would expect more traffic and parking needs with additional residential uses over the commercial uses. Cajka noted that a drive-thru for retail/fast food is shown on the site plan. In most cases, commercial uses (unless office) would generate more traffic than the apartments.

Corr inquired as to how many residential units were originally proposed in this building. Cajka stated that the request was for 40 overall. He does not believe the split between the two buildings was ever shown.

Proponents

1. Brett West, 3042 Sheridan Blvd., on behalf of WRK Real Estate, testified as the applicant. He showed a rendering of the existing building where Valentino's has moved in. The top two floors are residential, with the other building having 14 residential units. The reason for this amendment is because the identified office user decided not to continue in this building. There will be no change to the parking. That floor being designated for office use is being changed to residential use. They were seeking to have six residential units on the first floor or keeping it all office or commercial, depending on leasing.

West reported that he has had great dialog with the neighborhood about the residential housing with the live/work situation on the first floor. He is looking for ways to liven the area. He has reached agreement with UNL to use the second floor of phase I as a long term hotel option. The residential units are completely full at this time.

With regard to parking, West assured the Commission that what is shown is definitely within the parking requirements. He suggested that 14 residential units of this size versus the parking of an office user would be substantially less.

West acknowledged that there were some concerns from the neighbors, but they had a very good conversation and ECCO has since written a letter of support to Councilman Emery. West has agreed to keep the neighbors informed. He believes that he has addressed the concerns of the neighbors and the ECCO board.

Beecham inquired about the drive-thru, wondering whether there would be buffering between the drive-thru and the neighborhood. West responded that they do not yet have a tenant for that drive-thru. The plan shows some pretty substantial remaining trees on the south side of the property, which they do plan to retain and maintain. The south edge has been buffered from the residential area. The buffering is not a part of this amendment. There is no change from the previously approved plan in that regard. This amendment relates only to the office vs. housing.

Corr asked whether the trees are mature trees. West showed the existing mature trees on the site plan.

Corr asked whether anyone at the neighborhood meeting was concerned about the drive-thru. West reiterated that the drive-thru was shown on the previously approved PUD. The main concerns on this amendment were additional housing and the need to make sure parking was addressed. The first building is fully rented.

Corr confirmed that this amendment changes the second level of the second building from office to 14 additional residential units. West agreed.

Corr then inquired who initiated the neighborhood meeting. West stated that it was the ECCO board. He was out of town when the letter to the neighbors went out and then when he returned, he talked with Ann Bleed and the current chair of the ECCO Board and held the neighborhood meeting. Staff was not present at the neighborhood meeting.

Support

1. Vicki Wood, 4240 Starr Street, appeared on behalf of the ECCO Board, which supports the request to increase the residential units from 40 to 60. The ECCO Board did meet with the developer to discuss the reasons for this request. The neighbors present asked many questions. They continue to have concerns about increased traffic and parking constraints, but ECCO also recognizes that there are also potential positives as a result of this change, such as improving the overall rental quality of the neighborhood. ECCO acknowledges that WRK does not sell their properties and that they are interested in long term investment. WRK has expressed continuing interest in being a good neighbor and they have designed their rental agreements that reduce the potential for typical student-related problems in their properties. Because this is a PUD, there is less chance that others may use this increase as a precedent to increase density in other areas of the neighborhood. The three “live and work” option proposed for the first floor of the second building is intriguing, incorporating a bit more retail or office use into the mix rather than six additional studio units.

In summary, Wood stated that ECCO would have preferred the original model with more office/retail occupancy; however, they understand the need for flexibility to convert more of the space to residential in order for the business model to be financially viable for the developer. ECCO supports the proposed amendment. Wood submitted her testimony in writing, which also includes the questions which were asked by the neighbors at the meeting.

2. Beth Gaylord, 1505 StonyHill Road, who owns the 20-unit apartment building to the west on 3405 Holdrege, testified at this time, expressing concerns about paving the alley. She understands this developer is only going to pave half of that alley. When the building is built, she is worried about traffic from 60 units going through the alley. She has been replacing the rock in the alley as necessary. The whole alley should be paved.

Gaylord also inquired as to what is going to happen between the two buildings – will there be a buffer between her building and the new proposed building? She would want a green space between the two buildings. She does not want a fence built, which would affect her first floor tenants.

Gaylord has not had the opportunity to visit with the developer.

Staff questions

Corr asked whether there is a minimum that has to remain in commercial use under the PUD. Cajka stated that there is not a minimum. They can have a maximum of up to 27,750 square feet. The staff recommendation includes a condition that the first floor of this building that has not been built would be all commercial at this time. Then, if the developer wants to change to residential on that first floor, they would have to come back with another amendment to the PUD, which could possibly be approved administratively. In other words, Cajka pointed out that the current building permit plans had shown six apartments on the first floor. Staff is recommending that those units not be shown at this time. Those six units would reach the 60 dwelling units. Everything above the first floor was going to be residential in the original PUD

Corr pondered whether changing the first floor commercial to residential defeats the mixed use purpose. Cajka's response was that the site plan does not show the entire first floor as residential. There would still be some commercial. Staff has discussed a "live/work" type unit with the developer where the front part of the unit facing Holdrege would be residential and the rear some kind of office/studio, etc.

Corr confirmed that even if they wanted to amend the first floor, there would still be some commercial. Cajka stated that to be something the staff would have to consider at a later date.

Beecham inquired about the alley. Cajka stated that the alley within the PUD was vacated and the developer was required to put in a public access easement next to the parking lot so people using the alley could turn to get to Holdrege. The alley goes all the way to 34th Street.

Corr also sought clarification that the office/retail use would generate more traffic than residential use. Cajka agreed that typically, that is true.

There was no rebuttal or response by the applicant.

ACTION BY PLANNING COMMISSION:

August 6, 2014

Sunderman moved to approve the staff recommendation of conditional approval, seconded by Beecham.

Sunderman commented that this appears to be a good modification to an already good plan.

Beecham stated that she appreciates the applicant reaching out to the neighborhood because they will need to be flexible to some degree.

Corr also expressed appreciation to the applicant for reaching out and respectfully suggested that in the future the applicant should reach out to the neighborhood before filing the application.

Weber encouraged the applicant to talk with the neighbors to the west to see if there is something that can be worked out with the alley.

Motion for conditional approval carried 6-0: Corr, Sunderman, Beecham, Scheer, Weber and Lust voting 'yes'; Cornelius, Harris and Hove absent. This is a recommendation to the City Council.

COMPREHENSIVE PLAN CONFORMANCE NO. 14017,
AMENDMENT TO THE LINCOLN CENTER REDEVELOPMENT PLAN,
WESTERN SUPPLY BUILDING REDEVELOPMENT PROJECT,
ON PROPERTY LOCATED AT 820 N STREET.
PUBLIC HEARING BEFORE PLANNING COMMISSION:

August 6, 2014

Members present: Corr, Sunderman, Beecham, Scheer, Weber and Lust; Cornelius, Harris and Hove absent.

Staff recommendation: A finding of conformance with the Comprehensive Plan.

There were no ex parte communications disclosed.

Staff presentation: **David Landis**, Director of the **Urban Development Department**, testified as the applicant. It is the Urban Development's responsibility to bring amendments to the redevelopment plans forward so that projects that the City might want to undertake with a developer are appropriately described in the redevelopment plan itself to provide notice to the public should there be tax increment financing (TIF) included in the redevelopment. Landis went on to state that Urban Development believes this redevelopment project will ultimately result in a redevelopment agreement with the developer and use of TIF.

The building is located at 820 N Street. Landis displayed pictures of the building as it exists today. The developer will change the presence of the building, although the design will be sympathetic to the historical features. While there is the desire to have appropriate textures, facades and materials, there is also a desire to have this building more attractive and the current tenants to have more light. Landis stated that an architect has been hired to do the work.

Landis stated that the project cost will be about 1.75 million dollars. In the event the Urban Development Department assists, he believes the City could provide about \$150,000 in support in public improvements and enhancements, which might include facade, alley restoration, and enhanced lot screening and streetscaping. These are

matters on which the developer and city have been in discussion and around which there is basic agreement.

Landis pointed out that the project will yield office space consistent with the plan for Downtown in the Comprehensive Plan. It is one of the first of the South Haymarket development projects.

Landis requested that the Planning Commission adopt the staff report finding conformance with the Comprehensive Plan, which will allow Urban Development to continue to work with the developer to make the building serviceable, usable, attractive and contributive to South Haymarket.

Beecham referred to the LES substation across the street and inquired whether any of the screening will occur on the LES property. Landis acknowledged that the substation is across the street across from the parking lot. Urban Development is in consultation with the property owners on that block, and all property holders have been asked to sit down, including LES, to talk about the integrated design that is appropriate, and screening of the LES property was on everyone's list; however, we would not look to this project for that screening. LES would need to bear that responsibility. The screening in this project is only on this property, and it will comply with the Downtown parking lot design standards.

Beecham confirmed with Landis that it is surface parking.

Support

1. Jonathan Camp, 3340 Grimsby Lane, who is the developer of the project, shared a slide presentation to provide the Commission with a better idea of some of the concepts. He anticipates having site plans and renderings from the architect next week.

The parking lot is on the northeast corner of 8th and N Streets, and is currently gravel. The Western Supply Building is currently vacant, being constructed in 1895. Camp's goal is to create a useable space and beautify this intersection, which is incredibly prominent for the Haymarket and the upcoming South Haymarket area.

Camp pointed out that there will be an entry tower and stairwell tower on the west facade to facilitate accessibility, the common passage of travel between floors and for some structural support. It also lends very well to beautifying the western facade which is now void of any character whatsoever.

Camp also showed where two sunken courtyards will be added to the garden level which exists about 4' below grade. Camp stated that he hopes to restore the original southern facade store front, bringing back the original majestic large windows and deck area, which will require the use of right-of-way. Camp is hopeful to be able to use TIF to help facilitate the restoration of the facade.

Camp noted that the building has some conservative architectural features which will be emphasized on the south facade, and he anticipates bringing back all of the brick work on the parapet.

Beecham stated that she is delighted to see something done with this building. She would love to see some thought given to the parking. This building is really in a pivotal location, being the only building that has a parking lot in front of it. It is very unusual in the area so it would be nice to have something more than just a paved parking lot. Camp responded, stating that some of the ideas which have been put forward would implement some public art on the corner with use of some of the TIF funds. Parking lot screening will incorporate some better features than the crushed gravel that currently exists. The post fence has already been removed.

There was no testimony in opposition.

ACTION BY PLANNING COMMISSION:

August 6, 2014

Beecham moved to approve a finding of conformance with the Comprehensive Plan, seconded by Scheer.

Corr commented that it appears to be a very good project.

Lust observed that it is nice to see development in this area of the city and she hopes this spurs more development in the South Haymarket area.

Motion carried 6-0: Corr, Sunderman, Beecham, Scheer, Weber and Lust voting 'yes'; Cornelius, Harris and Hove absent. This is a recommendation to the City Council.

Meeting adjourned at 1:50 p.m.

Please note: These minutes will not be formally approved by the Planning Commission until the next regular meeting on August 20, 2014.